

1 S T A T E M E N T

2 O F

3 DONALD HULL



COPY

5 IN RE: In the Matter of the Albion-Sheridan Township
6 Landfill Site

7 BY: MR. KURT N. LINDLAND
77 West Jackson Blvd.
Chicago, Illinois 60604, appearing on behalf
8 of the U.S. Environmental Protection Agency.

9 MR. CHARLES E. BARBIERI
313 South Washington
10 Lansing, Michigan 48933, appearing on behalf
11 of the Deponent, Donald Hull.

12 REPORTED BY: ACRO COURT REPORTERS, INC.
13 (Toni L. VanSyckle, Reporter)

14 At Albion City Hall, 112 Case Street, Albion
15 Michigan, on Thursday, June 4, 1992 commencing at or about
16 the hour of 2:05 p.m.

1 sand.

2 Q. Albion Malable, which later became Hayes-Albion, which
3 is now Harvard Industries?

4 A. Yes.

5 Q. What were your responsibilities as the sole proprietor
6 of White Hull?

7 A. Having a contract with Malable on a year-to-year basis
8 and supervising several people.

9 Q. Okay. You say that between 1962 and 1980 you were
10 basically running White Hull; is that correct?

11 A. Yes.

12 Q. So for a period of time, you were both working for
13 Blyveis and running White Hull?

14 A. Yes.

15 Q. Why did you leave Blyveis in 1978?

16 A. Actually we went out of business, all of our customers
17 left town.

18 Q. And in 1980 then -- I'm sorry, 1981 you began working
19 for the City of Albion?

20 A. Yes.

21 Q. Why did you stop White Hull or cease White Hull's
22 operation in 1980?

23 A. Couldn't come to terms on contract.

24 Q. With Hayes-Albion or Albion --

25 A. Yes.

- 1 A. Yes.
- 2 Q. Okay, who was the supervisor then when you were
3 president?
- 4 A. There wasn't any supervisors.
- 5 Q. How many employees were there while Mr. Blyveis was
6 there?
- 7 A. Probably four to six.
- 8 Q. And then when you were president?
- 9 A. About the same amount.
- 10 Q. Okay. And how long did you work for Blyveis?
- 11 A. 35 years.
- 12 Q. Okay, so that would be till roughly 1978?
- 13 A. Yes.
- 14 Q. And where was your next job?
- 15 A. City of Albion.
- 16 Q. And when did you begin employment there?
- 17 A. 1981.
- 18 Q. Did you ever work for a company called White Hull?
- 19 A. I was a sole proprietor.
- 20 Q. During what time period did you -- were you the sole
21 proprietor?
- 22 A. 1962, 1980.
- 23 Q. What was the nature of White Hull's business?
- 24 A. Reclamation, salvage of material from Albion Malable,
25 and hauling out waste sand, terminology waste foundry

1 Q. It was Hayes-Albion at that time?

2 A. Yes.

3 Q. I see. Did Hayes-Albion contract with someone else
4 then, do you know?

5 A. Yes.

6 Q. Do you remember what the name of the company was?

7 A. No, I don't. I know they were from Jackson.

8 Q. What were your responsibilities while you were at the
9 City of Albion?

10 A. I was superintendent of streets.

11 Q. And briefly could you describe those responsibilities?

12 A. Keep the streets clean of debris and repair asphalt,
13 taking care of the tree dump where they take the tree
14 limbs and things and burning that off periodically,
15 maintenance of the trucks within the city. That covers
16 about most of the time.

17 Q. Were you responsible for contracting with Gordon
18 Stevick in any way for the use of his landfill?

19 A. No.

20 Q. Were your responsibilities while you were working for
21 the city in any way related to waste disposal?

22 A. Yes.

23 Q. And how were those responsibilities related to waste
24 disposal?

25 A. Terminology of waste disposal the city has a spring

1 A. No.

2 Q. Zeffer Service Station?

3 A. No.

4 Q. With respect to your clients when you were the sole
5 proprietor of White Hull, if you could just explain why
6 you started that company first.

7 A. I was invited to bid.

8 Q. You were invited to bid?

9 A. On the job, yes.

10 Q. And who were you invited to bid by?

11 A. Albion Malable, Mr. Don Dice was the person at that
12 time.

13 Q. And why did he approach you for a bid?

14 A. Dissatisfied with the other person that was doing the
15 hauling contract work.

16 Q. Why didn't you just have Blyveis do that work?

17 A. Well, we were not in the hauling business, we had
18 different type of equipment.

19 Q. Different time of equipment than what would be needed
20 for your work at Albion Malable?

21 A. Yes.

22 Q. And what kind of equipment did you need for Albion
23 Malable?

24 A. Different type of dump truck, front end loaders.

25 Q. And you didn't have that equipment for Blyveis I take

1 it?

2 A. No.

3 Q. How many people worked for you at White Hull?

4 A. Two.

5 Q. Do you remember their names?

6 A. William Sanders, he was there when I took over. And
7 the other two didn't last very long. Dick Teamin.

8 Q. Was there any other reason why you didn't use Blyveis
9 to haul material from Albion -- Albion Malable?

10 A. No, we didn't haul anything from Albion Malable.

11 Q. Was there any other reason, other than the equipment,
12 why you didn't haul that material from --

13 A. I don't understand your question now.

14 Q. You said that the reason you didn't use Blyveis to haul
15 material from Albion Malable was because you didn't
16 have the right equipment?

17 A. Yes.

18 Q. Is there any other reason?

19 A. Not that I can think of, no.

20 Q. How many trucks did you have at White Hull?

21 A. Four.

22 Q. And were they all the same kind of trucks?

23 A. Tandem dump trucks, yes.

24 Q. Did you ever have -- did you ever use tank trucks?

25 A. No.

1 Q. Again, what kinds of material did you haul from
2 Hayes-Albion or Albion Malable?

3 A. Waste foundry sand.

4 Q. Do you know what was in waste foundry sand?

5 A. No. It was a seal coat, kind of oil for the mold is
6 all I know.

7 Q. And it's called what, seal coat?

8 A. Yes.

9 Q. Is that C-E-A-L dash?

10 A. S-E-A-L, something.

11 Q. Could you describe foundry sand, I mean what exactly is
12 it?

13 A. They bring it from the -- from Chicago, Lake Michigan.
14 They bring the sand from there into the silos and add
15 ingredients to it so it would compact. People make a
16 fist and they make a mold out of it so it's -- and make
17 castings out of it. All foundries use it.

18 Q. Use that kind of sand?

19 A. Uh-huh.

20 Q. What were the ingredients that they added to it, do you
21 know?

22 A. No, I don't.

23 Q. Do you know anybody that would know?

24 A. Probably a metallurgist.

25 Q. Okay, but nobody in particular that worked for you or

1 that worked at Albion Malable?

2 A. No.

3 Q. Approximately how much sand did you haul from Albion
4 Malable to the landfill?

5 A. We did not haul Malable sand to the Stevick landfill.

6 Q. Where did you haul it to?

7 A. A man named -- West Michigan Avenue. Nate Copick,
8 C-O-P-I-C-K, I think, Copick.

9 Q. Did you ever haul any sand at all from Albion Malable
10 to the Stevick landfill?

11 A. No.

12 Q. Did you haul anything from Albion Malable to the
13 Stevick landfill?

14 A. Yes.

15 Q. And what was that?

16 A. After they shut down, our little incinerator for the
17 office papers, all this stuff, they had to put it in a
18 special bin and we had -- not a special truck but a
19 special truck to put these papers in there, and cover
20 them up, and take them out to Stevick's landfill, that
21 was the only -- there was some wooden pallets,
22 expendable pallets, wooden pallets.

23 Q. You're referring to the wood pallets that have boards
24 on top that you normally put -- so you can move them
25 around with a forklift?

1 A. Yes.

2 Q. Is there any other material that you bought out there
3 from Albion Malable?

4 A. No.

5 Q. What about after they changed to Hayes-Albion, do you
6 know whether any material was brought out to the
7 Albion-Sheridan Township Landfill?

8 A. No.

9 Q. Do you remember any of the names of any of your
10 competitors for Blyveis, in other words, do you
11 remember the names of any other companies that did
12 basically the same thing Blyveis did but for other
13 industries?

14 A. There was scrap processing plants in every city: I mean
15 one in Albion here, Chapman Iron and Metal.

16 Q. Excuse me?

17 A. Chapman Iron and Metal.

18 Q. Chapman?

19 A. Yes.

20 Q. Do you know if they're still around?

21 A. No, they're not.

22 Q. They're not?

23 A. No.

24 Q. Do you know who ran that company?

25 A. I think Francis Chapman was his name.

1 A. Yes.

2 Q. And for the actual disposal cost associated with
3 disposing of the drums at the landfill, McGraw dealt
4 with Gordon Stevick directly; is that right?

5 A. Yes.

6 Q. Okay. Is there any other company that you had this
7 sort of an arrangement with?

8 A. No.

9 Q. I may have asked you this question already: when you
10 were working or when White Hull was in operation, did
11 they ever take any drums or any material from
12 Hayes-Albion to the Albion-Sheridan Landfill?

13 A. No.

14 MR. LINDLAND: Okay, I have no further questions.

15 (Deposition concluded around 3:15 p.m.)

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1 A. I don't think they are. I'm not sure. I haven't been
2 down in that area for so long that -- I can't remember.

3 Q. Do they ever bring any other types of waste to the
4 landfill?

5 A. No, not that I know of.

6 Q. Do you recall a company named H & S Service?

7 A. H & S?

8 Q. Yes.

9 A. No.

10 Q. How about Hayes-Albion?

11 A. Hayes-Albion, yes.

12 Q. What kind of company was Hayes-Albion?

13 A. That was making machinery, and parts, parts for
14 machinery, and things like that.

15 Q. And did they come to the landfill?

16 A. Occasionally.

17 Q. What kind of --

18 A. Wooden forms, and things likes that.

19 Q. Any other types of waste?

20 A. Not very often.

21 Q. Did they ever bring any sand, or any sort of materials
22 such as that?

23 A. Occasionally, they would bring sand that they would use
24 in the forms.

25 Q. And how would they bring the sand to the landfill?

1 A. Well, generally in a box, or a pale, or something like
2 that.

3 Q. And it would come in one of their company trucks?

4 A. Well, sometimes, sometimes one of the employees would
5 bring them out.

6 Q. Okay.

7 Do you recall any of the names of the employees?

8 A. No, I don't.

9 Q. Okay. And they didn't bring any other types of waste
10 that you can recall?

11 A. No.

12 Q. Do you know how frequently they came to the landfill?

13 A. Not really, no.

14 Q. Maybe once a month, or --

15 A. Well, probably, I would say probably once a week.

16 Q. Once a week. Okay.

17 Do you recall a company named Pyramid Pattern?

18 A. No, I don't.

19 Q. Okay. How about Reed Plastics, you heard of a company
20 called Reed Plastics?

21 A. No, I don't believe so.

22 Q. Okay. How about Sheridan Industries?

23 A. I heard of them.

24 Q. You know what kind of company that is?

25 A. No, I don't.

- 1 A. Yes.
- 2 Q. Do you know when they came into the landfill?
- 3 A. No, after that, I moved.
- 4 Q. So, that was within the last 2 years that that has
- 5 occurred?
- 6 A. Yes.
- 7 Q. Do you know why -- have you seen new barrels appear, or
- 8 have you been out on the site?
- 9 A. I haven't -- I think you was over there with me, wasn't
- 10 you?
- 11 Q. No. Weren't there some men from a law firm -- didn't
- 12 some men come out from Hayes-Albion, and a law firm,
- 13 did they take you out to the site, to walk around the
- 14 site with you? Did 2 men come out?
- 15 A. They took me over to the factory over there.
- 16 Q. They took you to a factory?
- 17 A. Yes.
- 18 Q. What factory did they take you to?
- 19 A. Gosh, I don't remember the name of it now.
- 20 Q. Was it Hayes-Albion?
- 21 A. I think it was Hayes-Albion.
- 22 Q. Why did they take you to the factory?
- 23 A. Well, they drove around the dump site. They didn't go
- 24 up in there. And, then, we went up there to the
- 25 factory, and looked it over.

- 1 Q. You looked over the factory?
- 2 A. Yes.
- 3 Q. Did they make you look over any papers?
- 4 A. No.
- 5 Q. They make you sign any papers?
- 6 A. I didn't sign any there. Later on, when we got back
7 home, why, I signed a paper.
- 8 Q. What did the paper say?
- 9 A. About, whether the landfill -- was materials that was
10 in the landfill, whether there was any acid or anything
11 like that that I knew about.
- 12 Q. And what did you say?
- 13 A. I told them no.
- 14 Q. That there were no acids that you knew of?
- 15 A. Yes.
- 16 Q. Did you make any comments about whether Hayes-Albion
17 brought any waste to the landfill? Did they ask you to
18 sign a statement that --
- 19 A. No.
- 20 Q. So, the statement that they had you sign didn't mention
21 anything about Hayes-Albion, and their waste practices?
- 22 A. No.
- 23 Q. And they never showed you the paper that you signed?
- 24 A. What I think -- I think what they was trying to do, I
25 think they was trying to get Hayes-Albion to -- to

1 blame Hayes-Albion for the dump, for the landfill
2 there. I'm not sure, trying to make them dig it up, or
3 clean it up, or something.

4 Q. Why did you have that opinion?

5 A. Well, different places around, they have made them
6 clean up the dump, and haul it away.

7 Q. They made Hayes-Albion clean up?

8 A. No.

9 Q. Different companies?

10 A. Different outfits, and whether it was the state, or the
11 government, I don't know which.

12 But, I just thought probably that was what they
13 was trying to do up there.

14 Q. So, the piece of paper didn't say anything about
15 Hayes-Albion bringing waste to the landfill?

16 A. No.

17 Q. Did you sign any other papers?

18 A. I signed some papers about how long I worked there, and
19 different things.

20 Q. Was that the paper that Jason brought to you?

21 A. I don't remember now.

22 Q. Do you remember when I spoke to you on the phone, back
23 in February? I called you up, and I asked you how long
24 you worked for the company, and I asked you about
25 different companies that might have brought waste to

- 1 Q Cardboard? No other materials?
- 2 A No.
- 3 Q Where did you take --
- 4 A Iron.
- 5 Q Iron? What type of iron, shavings?
- 6 A No, no. Stuff they tore out or repair the --
- 7 Q Scrap?
- 8 A Scrap, yes.
- 9 Q And where did you take the iron?
- 10 A Back to the yard.
- 11 Q "The yard," your yard?
- 12 A Yep.
- 13 Q And what did you do with the iron then?
- 14 A Cut it up smaller.
- 15 Q And then, what did you do with it?
- 16 A Went to either Malleable or someplace like that. It
- 17 went to Hayes-Albion.
- 18 Q Hayes-Albion. And they recycled?
- 19 A Yep.
- 20 Q So let's focus on McGraw Edison.
- 21 A Okay.
- 22 Q When did you start hauling at McGraw -- or from McGraw?
- 23 A They was hauling when I started there.
- 24 Q Okay. And do you have a round-about, ball-park
- 25 figure; the '60s?

- 1 A Copick.
- 2 Q Copick?
- 3 A On Michigan Avenue, West Michigan Avenue.
- 4 Q West Michigan.
- 5 A They were dumping Malleable dirt, paint barrels,
- 6 everything we didn't use.
- 7 Q And Malleable dirt, is that Hayes-Albion?
- 8 A Yes.
- 9 Q Now, when you say dirt, what --
- 10 A Black.
- 11 Q Black dirt?
- 12 A Black dirt.
- 13 Q Just like topsoil?
- 14 A No.
- 15 Q Do you know what kind of --
- 16 A No, it was a molding sand.
- 17 Q A molding sand.
- 18 A They take a brown sand and put secco pits, bond, sand,
- 19 and it makes it black.
- 20 Q It makes a --
- 21 A It makes it black. It makes a mold.
- 22 Q And do you know what they use this molding sand for?
- 23 A Yeah, they make parts.
- 24 Q Parts?
- 25 A Parts for your car.

1 Q Parts for my car. So that's the type of business that
2 Malleable, which later became Hayes-Albion?

3 A Yes. Was Hayes-Albion, now it's Harvard Industry.

4 Q And they made parts for cars?

5 A Right.

6 Q Did you ever haul any of this black dirt to the dump on
7 Erie?

8 A I never did.

9 Q You never did?

10 A Not that I know of -- or remember, put it that way.

11 Q Okay. When you would drive to this dump on Erie Road,
12 when you would take the truck in and you would dump, do
13 you recall how many feet or yards you might have gone
14 in?

15 Would it have been 25 yards, 50
16 yards, 100 yards; do you recall? Half way into the
17 landfill, or --

18 A Well, again it was half as long as the building, this
19 wall here.

20 Q Half as long as this?

21 A Half again as long.

22 Q Okay. So what could we approximate the wall to be?

23 MR. ROGERS: Twenty-five feet,
24 maybe? What would you say?

25 THE WITNESS: Four, five, six,

1 Q (BY MS. HENNING, CONTINUING) Okay. So 32 foot wide and
2 about 12 foot deep?

3 A Right.

4 Q Okay. Do you recall any markings? Did you still see
5 gravel or clay?

6 A Green grass over here and green grass over there.

7 Q Okay. So you don't recall seeing any clay or any type
8 of material like that?

9 A No.

10 Q But they would cover with two inches of dirt?

11 A Two foot of dirt every night.

12 Q Two foot of dirt; I'm sorry.

13 Did they ever cover it with the
14 black dirt from Albion Malleable?

15 A Not that I recall. I never seen it.

16 Q So just regular dirt.

17 Was there just one hole like this
18 that you would dump the barrels into?

19 A That's all I ever seen.

20 Q So that's because you only dumped there for a limited
21 amount of time?

22 A Yes.

23 Q Did any of the other drivers discuss dumping it at a
24 different location at the landfill?

25 A Same place I told you out on Michigan Avenue.

1 focus on Copick's hole or his dump again.

2 Now, how long did you haul at
3 Copick's? Did you haul materials there?

4 A Uh-huh.

5 Q Do you know how long you might have hauled materials
6 there?

7 A Probably three years.

8 Q Okay. Do you know the cross street where Copick's dump
9 was located?

10 A 26 1/2 Mile Road.

11 Q Okay.

12 A And back this way, 27th.

13 Q Okay. And he, Mr. Copick, just wanted his land to be
14 filled in?

15 A Yes.

16 Q And so, he accepted trash from the local industry?

17 A Well, from Hayes-Albion and the stuff we dumped in
18 there.

19 Q And from Hayes-Albion, it was the molding sand?

20 A Yes.

21 Q And he liked the barrels too, even though it wasn't
22 filled really --

23 A Yep.

24 Q -- like dirt filled?

25 A Yep.

- 1 Q He didn't mind the barrels?
- 2 A I guess not.
- 3 Q How about cardboard? Would the waxy cardboard go there
- 4 too?
- 5 A Skids.
- 6 Q Skids? And do you know how long area truck drivers went
- 7 to Copick's dump?
- 8 A How long?
- 9 Q How long did it take to fill it in?
- 10 A No.
- 11 Q You don't know how long?
- 12 A No, I don't know how long.
- 13 Q Did it fill in when you were still working for
- 14 Whitey Hall?
- 15 A No.
- 16 Q No?
- 17 A Afterwards.
- 18 Q Just from living in this area, do you recall if it was
- 19 all filled in in 1980?
- 20 A Yes.
- 21 Q How about -- would it have been filled in by 1975?
- 22 A No.
- 23 Q No. So it was sometime between the period of 1975 and
- 24 1980 --
- 25 A Between them two, yeah.

1 A. No, I don't know how much it was. When the dump truck
2 got full, it went out and dumped it.

3 Q. Do you remember how many dump trucks would go out there
4 each week?

5 A. A week? I doubt if there was over a dump truck a week.

6 Q. So less than one a week, maybe one every two weeks?

7 A. Something like that, and I won't -- I can't swear to
8 that.

9 Q. Was the use of the Albion-Sheridan Township Landfill
10 for dumping lime, was that used consistent or were
11 there -- and by that I mean were there breaks in the
12 use of that landfill, for example, did Corning bring
13 lime to another landfill for awhile?

14 A. No, all of Corning's material went to the Sheridan
15 Township Landfill.

16 Q. Are you familiar with a landfill known as Copix
17 Landfill?

18 A. Never heard of it.

19 Q. Okay. Do you know of any other companies or users of
20 the landfill?

21 A. Sure, all the companies in town used it: Union Steel,
22 McGraw Edison, Brooks Foundry, Albion Malable; it's
23 Hayes Albion now or it was, it's Harvard Industries
24 now.

25 Q. Harvard.

1 Q. Bob Frahm's Chevrolet?

2 A. I don't recall them using the site, and they were
3 around and still are.

4 Q. Albion Public Schools?

5 A. Same.

6 Q. You don't remember them using it, but they are around
7 or were around?

8 A. Yes, and still are.

9 Q. Hayes-Albion Corporation?

10 A. I don't recall them using the landfill, and they're
11 still around.

12 Q. And they were around?

13 A. Yes.

14 A. Chances are they did use it; they were a big industry.

15 Q. Hayes-Albion is now Harvard Industries; is that
16 correct?

17 A. Yes.

18 Q. McGraw Edison?

19 A. We talked about that.

20 Q. Household International?

21 A. I'm not acquainted with that company.

22 Q. Reed Plastics?

23 A. I don't recall them using the landfill, and I don't
24 know whether they existed at that time.

25 Q. Are they around now?